

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

PRINCE MCCOY, SR. §
VS. § CIVIL ACTION NO. 1:21-CV-175
ERIC NDOUMOU §

ORDER OVERRULING PLAINTIFF’S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Plaintiff Prince McCoy, Sr., a prisoner previously confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Eric Ndoumou.

The Court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends partially granting Defendant’s Motion for Summary Judgment.

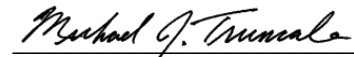
The Court has received and considered the Report and Recommendation of United States Magistrate Judge, filed pursuant to such order, along with the record and the pleadings. Plaintiff filed Objections to the Report and Recommendation.

The Court has conducted a *de novo* review of the Objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration of all the pleadings and the relevant case law, the Court concludes that Plaintiff’s Objections lack merit.

ORDER

Accordingly, Plaintiff's Objections [Dkt. 90] are OVERRULED. The findings of fact and the conclusions of law of the magistrate judge are correct, and the Report and Recommendation of the magistrate judge [Dkt. 88] is ADOPTED. Defendant's Motion for Summary Judgment [Dkt. 72] is GRANTED with respect to Plaintiff's claims regarding medical treatment and DENIED with respect to Plaintiff's claim of excessive force against Defendant Ndoumou.

SIGNED this 11th day of September, 2023.

A handwritten signature in black ink, reading "Michael J. Truncale", is positioned above a horizontal line.

Michael J. Truncale
United States District Judge